

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

APR 29 2014

David J. Bradley, Clerk

UNITED STATES OF AMERICA

v.

FIDEL SALINAS, JR.

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Criminal No. M-13-1439-S2

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

Count One

From on or about June 6, 2011, to on or about January 6, 2012, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

FIDEL SALINAS, JR.

knowingly and intentionally conspired and agreed with other person or persons to access a computer without authorization or to exceed authorized access, and thereby obtain information from a protected computer.

This offense was committed in furtherance of a criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

OVERT ACTS

The following overt acts, among others, were committed in furtherance of and to achieve the objectives of said conspiracy:

1. On or about June 6, 2011, said defendant entered an online chat room (Channel) for the Operation Anti-Security (Operation AntiSec) faction of the computer-hacking group Anonymous.

2. On or about November 15, 2011, said defendant installed the Acunetix Web Vulnerability Scanner program.

3. On or about November 15, 2011, said defendant downloaded an illegal, "cracked" version of the WebCruiser Vulnerability Scanner Enterprise program.

4. On or about November 15, 2011, said defendant executed the Acunetix program on the lajoyaisd.com web domain.

5. On or about November 15, 2011, said defendant executed the WebCruiser program on the lajoyisd.com web domain.

6. On or about November 15, 2011, said defendant executed the Acunetix program on the themonitor.com web domain.

7. On or about December 1, 2011, said defendant executed the Acunetix program on the lajoyaisd.com web domain.

8. On or about December 30, 2011, said defendant attempted to connect to the IRC Operations server of the computer-hacking group Anonymous at irc.anonops.com.

9. From on or about January 4, 2012, to on or about January 5, 2012, said defendant executed the Acunetix program on the www.co.hidalgo.tx.us web domain.

10. From on or about January 4, 2012, to on or about January 5, 2012, said defendant executed the WebCruiser program on the www.co.hidalgo.tx.us web domain.

11. On or about January 5, 2012, said defendant installed the Havij program.

12. On or about January 5, 2012, said defendant executed the WebCruiser program on the themonitor.com web domain.

13. On or about January 6, 2012, said defendant executed the WebCruiser program on the themonitor.com web domain.

In violation of Title 18, United States Code, Sections 371 and 1030(a)(2)(C).

Count Two

From on or about June 6, 2011, to on or about January 6, 2012, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

FIDEL SALINAS, JR.

knowingly and intentionally conspired and agreed with other person or persons to cause the transmission of a program, information, code, or command, and as a result of such conduct, cause damage without authorization to a protected computer.

This offense caused or would, if completed, have caused loss to a person or persons during a one-year period, and loss affecting one or more protected computers, aggregating at least \$5,000 in value.

The Grand Jury incorporates by reference the "Overt Acts" section of Count One.

In violation of Title 18, United States Code, Sections 371 and 1030(a)(5)(A).

Count Three

From on or about December 23, 2011, to on or about December 29, 2011, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

FIDEL SALINAS, JR.

with the intent to harass or intimidate another person, namely, victim Y.V., knowingly and intentionally conspired and agreed with other person or persons to use an interactive computer service or any other facility of interstate or foreign commerce, namely, the Internet, to engage in a course of conduct that causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to Y.V.

OVERT ACTS

The following overt acts, among others, were committed in furtherance of and to achieve the objectives of said conspiracy:

1. On or about December 23, 2011, at approximately 3:17 PM, said defendant made a submission (with "ybhmboqn" in the "Name" field) through victim Y.V.'s web site contact form.
2. On or about December 23, 2011, at approximately 3:17 PM, said defendant made a submission (with "hpylvhyh" in the "Name" field) through victim Y.V.'s web site contact form.

3. On or about December 23, 2011, at approximately 10:48 PM, said defendant attempted to create an account on victim Y.V.'s web site without her authorization.

4. On or about December 24, 2011, at approximately 5:33 AM, said defendant made a submission through victim Y.V.'s web site contact form.

5. On or about December 24, 2011, at approximately 5:36 AM, said defendant made a submission through victim Y.V.'s web site contact form.

6. On or about December 24, 2011, at approximately 5:40 AM, said defendant made a submission through victim Y.V.'s web site contact form.

7. On or about December 24, 2011, at approximately 5:42 AM, said defendant made a submission through victim Y.V.'s web site contact form.

8. On or about December 24, 2011, at approximately 6:06 AM, said defendant made a submission through victim Y.V.'s web site contact form.

9. On or about December 24, 2011, at approximately 6:07 AM, said defendant made a submission (with "Old E-Mail" field ending with "//etc/passwd") through victim Y.V.'s web site contact form.

10. On or about December 24, 2011, at approximately 6:07 AM, said defendant made a submission (with "hkyyvber" in the "Name" field) through victim Y.V.'s web site contact form.

11. On or about December 24, 2011, at approximately 6:09 AM, said defendant made a submission through victim Y.V.'s web site contact form.

12. On or about December 24, 2011, at approximately 8:16 AM, said defendant made a submission through victim Y.V.'s web site contact form.

13. On or about December 24, 2011, at approximately 9:50 AM, said defendant made a submission through victim Y.V.'s web site contact form.

14. On or about December 24, 2011, at approximately 9:59 AM, said defendant made a submission through victim Y.V.'s web site contact form.

15. On or about December 25, 2011, at approximately 2:40 AM, said defendant attempted to create an account on victim Y.V.'s web site without her authorization.

16. On or about December 25, 2011, at approximately 4:34 AM, said defendant attempted to post a comment to victim Y.V.'s web site.

17. On or about December 29, 2011, at approximately 12:11 AM, said defendant sent victim Y.V. an e-mail.

18. On or about December 29, 2011, at approximately 4:21 AM, said defendant sent victim Y.V. an e-mail.

In violation of Title 18, United States Code, Sections 371 and 2261A.

Count Four

From on or about December 23, 2011, to on or about December 25, 2011, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

FIDEL SALINAS, JR.

knowingly and intentionally conspired and agreed with other person or persons to access a computer without authorization or to exceed authorized access and thereby obtain information from a protected computer (relating to victim Y.V.).

This offense was committed in furtherance of a criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

OVERT ACTS

The following overt acts, among others, were committed in furtherance of and to achieve the objectives of said conspiracy:

The Grand Jury incorporates by reference Overt Acts 3-6, 9, 11, and 13-15 from Count Three.

In violation of Title 18, United States Code, Sections 371 and 1030(a)(2)(C).

Counts Five to Twenty-Two

On or about the following listed dates and at approximately the following listed times, each one constituting a separate count, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

FIDEL SALINAS, JR.

with the intent to harass or intimidate another person, namely, victim Y.V., knowingly and intentionally used an interactive computer service or any other facility of interstate or foreign commerce, namely, the Internet, to engage in a course of conduct that caused, attempted to cause, or would be reasonably expected to cause substantial emotional distress to Y.V.:

Count	Date & Time
5	December 23, 2011, at 3:17 PM (with "ybhmbohn" in the "Name" field of the contact form)
6	December 23, 2011, at 3:17 PM (with "hplvyhv" in the "Name" field of the contact form)
7	December 23, 2011, at 10:48 PM
8	December 24, 2011, at 5:33 AM
9	December 24, 2011, at 5:36 AM
10	December 24, 2011, at 5:40 AM
11	December 24, 2011, at 5:42 AM
12	December 24, 2011, at 6:06 AM
13	December 24, 2011, at 6:07 AM (with "Old E-Mail" field ending with "//etc/passwd" of the contact form)
14	December 24, 2011, at 6:07 AM (with "hkyvber" in the "Name" field of the contact form)
15	December 24, 2011, at 6:09 AM
16	December 24, 2011, at 8:16 AM
17	December 24, 2011, at 9:50 AM
18	December 24, 2011, at 9:59 AM
19	December 25, 2011, at 2:40 AM
20	December 25, 2011, at 4:34 AM
21	December 29, 2011, at 12:11 AM
22	December 29, 2011, at 4:21 AM

In violation of Title 18, United States Code, Sections 2261A and 2.

Counts Twenty-Three to Thirty-Seven

On or about the following listed dates and at approximately the following listed times, if any, each constituting a separate count, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

FIDEL SALINAS, JR.

knowingly and intentionally accessed or attempted to access a computer without authorization or to exceed authorized access, and thereby obtained or attempted to obtain information from a protected computer:

Count	Date/Time	Targeted Website
23	November 15, 2011	lajoyaisd.com
24	November 15, 2011	www.themonitor.com
25	December 1, 2011	lajoyaisd.com
26	December 23, 2011	Victim Y.V.'s
27	December 24, 2011 at 5:33a	Victim Y.V.'s
28	December 24, 2011 at 5:36a	Victim Y.V.'s
29	December 24, 2011 at 5:40a	Victim Y.V.'s
30	December 24, 2011 at 6:07 a.m. (with "Old E-Mail" field ending with "//etc/passwd")	Victim Y.V.'s
31	December 24, 2011 at 6:09a	Victim Y.V.'s
32	December 24, 2011 at 9:50a	Victim Y.V.'s
33	December 24, 2011 at 9:59a	Victim Y.V.'s
34	December 25, 2011	Victim Y.V.'s
35	January 4-5, 2012	www.co.hidalgo.tx.us
36	January 5, 2012	www.themonitor.com
37	January 6, 2012	www.themonitor.com

These offenses were committed in furtherance of a criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

In violation of Title 18, United States Code, Sections 1030(a)(2)(C), 1030(b), 1030(c)(2)(B), and 2.

Counts Thirty-Eight to Forty-Three

On or about the following listed dates, each constituting a separate count, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

FIDEL SALINAS, JR.

knowingly caused or attempted to cause the transmission of a program, information, code, or command, and as a result of such conduct, intentionally caused or attempted to cause damage without authorization to a protected computer:

Count	Date	Targeted Website
38	November 15, 2011	lajoyaisd.com
39	November 15, 2011	www.themonitor.com
40	December 1, 2011	lajoyaisd.com
41	January 4-5, 2012	www.co.hidalgo.tx.us
42	January 5, 2012	www.themonitor.com
43	January 6, 2012	www.themonitor.com

The offense in Count 41 caused or would, if completed, have caused loss to a person or person during a one-year period, and loss affecting one or more protected computers, aggregating at least \$5,000 in value.

In violation of Title 18, United States Code, Sections 1030(a)(5)(A), 1030(b), and 2.

Count Forty-Four

From on or about January 4, 2012, to on or about January 5, 2012, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

FIDEL SALINAS, JR.

knowingly and intentionally accessed or attempted to access a protected computer without authorization and as a result of such conduct, recklessly caused damage (relating to www.co.hidalgo.tx.us).

This offense caused or would, if completed, have caused loss to a person or person during a one-year period, and loss affecting one or more protected computers, aggregating at least \$5,000 in value.

In violation of Title 18, United States Code, Sections 1030(a)(5)(B), 1030(b), 1030(c)(4)(A), and 2.

Notice of Forfeiture

Upon conviction of an offense in violation of Title 18, United States Code, Section 1030, the defendant,

FIDEL SALINAS, JR.

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 1030(i), 1030(j), and 982(a)(2)(B): his interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

The property to be forfeited includes, but is not limited to:

- (1) a black Acer notebook computer, model number MS2319, serial number LXRNT0207613902EC52000; and
- (2) a black SABRENT labeled enclosure for a Western Digital hard drive, 500 GB, model number WD5000BEVT-22A0RT0, serial number WX31AB075146.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty.

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Sections 1030(i), 1030(j), and 982(a)(2)(B), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

FOREPERSON

KENNETH MAGIDSON
UNITED STATES ATTORNEY


ASSISTANT UNITED STATES ATTORNEY